

Amendment
Application No. 10/550,626
Attorney Docket No. 053165

REMARKS

Claims 1-12 are pending in this application, of which claim 3 has been amended and claims 8-12 have been added.

(1) Claim 3 was objected to because the word “Poly---” should not be capitalized. In this Response, claim 3 has been corrected. Claim 3 is further corrected to change “polymer” to “hindered amine compound.” The amendment is supported at page 28, lines 18-25. Withdrawal of the objection is respectfully requested.

(2) Claim 7 was rejected under 35 U.S.C. §112, second paragraph. The Examiner states that claim 7 does not set forth any steps involved in the method/process, so that it is unclear what method/process applicant intends to encompass.

However, claim 7 is not directed to a method/process claim, but is directed to a “transparent shaped article” which is “used for a device using a blue laser.” Claim 7 is not indefinite. Reconsideration of the rejection is respectfully requested.

(3) Claims 1-7 were rejected under 35 U.S.C. §102(b) as being anticipated by Tsukada et al. (WO 01/92412).

Amendment
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The Examiner considers that since the hindered amine compound disclosed by Tsukada et al. is identical with the claimed compound, the light transmittance of the claimed compound would be an inherent property of the hindered amine compound disclosed by Tsukada et al. Page 3 of the outstanding Office Action.

The Applicant herewith files a declaration under 37 CFR §1.132. The invention disclosed by Tsukada et al. was assigned to Zeon Corporation, the same assignee of the present invention. As stated in the declaration, the inventor of the present application, Mr. Sawaguchi, took over the work previously done by Mr. Tsukada. As shown by the Declaration, the hindered amine compound, poly [{6-(1,1,3,3-tetramethylbutyl)amino-1, 3, 5-triazine-2, 4-diyl} {(2, 2, 6, 6-tetramethyl-4-piperidyl)imino}hexamethylene { (2, 2, 6, 6-tetramethyl-4-piperidyl) imino}] used by Mr. Tsukada was “89.0%” of the light transmittance, and this compound tested was disclosed as Example 3 of Tsukada et al., (WO 01/92412). *See* the Declaration. The hindered amine compound used by Mr. Tsukada and disclosed by Tsukada et al. (WO 01/92412) corresponds to the one used in Comparative Example 1 of the specification of the present application at page 33-34.

Thus, the Declaration clearly rebuts the Examiner’s assertion that the claimed light transmittance of the hindered amine compound is an inherent property of the disclosure by Tsukada et al. The hindered amine compound disclosed by Tsukada et al. does not have the

Amendment
Application No. 10/550,626
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claimed light transmittance. Thus, the rejection of claim 1 under 35 U.S.C. §102(b) is not supported by Tsukada et al. Reconsideration of the rejection is respectfully requested.

(4) Newly added claims 8-12

Claim 8 has been added. The basis of claim 8 is found in original claim 1 and the Examples at pages 27-35. In particular, “no clouding was recognized in Examples 1-3. *See* Table 1 at page 35. Claim 9 is supported by original claim 3, and Examples 1-3. Claim 10 is supported at page 28, line 25. Because original claim 1 describes “90% or more,” and specific example discloses “97%,” the range of “97% or more” in claim 10 is supported by the original description. Claim 11 is supported by original claim 6, and claim 12 is supported by original claim 7.

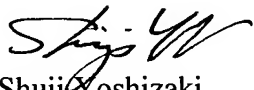
In addition to the Applicant’s arguments of the patentability of claim 1, claims 8-12 should be further distinguished from Tsukada et al. In particular, as clearly recognized by the comparison of Example 2 and Comparative Example 1 in the specification, the transparent shaped article made of the Tsukada’s compound was clouding (Comparative Example 1), but the transparent shaped articles of the present invention was “no clouding” (Example 2). Thus, claims 8-12 are not anticipated by Tsukada et al. The present invention more than yields a predictable result. The results of “no clouding” are unexpected to one skilled in the art at the

Amendment
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Attorney Docket No. 053165

time of invention. The unpredictable results make the invention unobvious over the prior art.
See KSR International Co., v. Teleflex Inc. 127 S.Ct. 1727, 1740 (2007).

(4) In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date. If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number indicated below to arrange for an interview to expedite the disposition of this case. If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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Petition for Extension of Time
Declaration under 37 C.F.R. §1.132